

First named inventor: Hess
Serial no. 10/672,761
Filed 9/27/2003
Attorney docket no. 200207098-1

Page 9

REMARKS

Claim rejections under 35 USC 102

Claims 1-13 and 15-28 have been rejected under 35 USC 102(e) as being anticipated by Writt (6,530,632). Claims 1, 15, 20, and 23 are independent claims, from which the remaining claims rejected as being anticipated by Writt ultimately depend. Applicant submits that as amended, claims 1, 15, 20, and 23 are not anticipated by Writt, such that all of the claims rejected under 35 USC 102(e) are not anticipated by Writt.

Insofar as the rejection under 35 USC 102(e) over Writt is concerned, Applicant discusses claim 1 as representative of all the independent claims 1, 15, 20, and 23. Claim 1 has been amended so that the freely rotating switch that detects manual insertion of the media “is rotated out of the way of the first media path during movement of the media through the first media path so that the switch is not actuated during movement of the media through the first media path.” It is noted that the first media path is that “in which media is moved through the [image-forming] mechanism during image formation thereon,” as opposed to the second media path “in which the media is manually inserted and remains stationary within the mechanism during image formation thereon.”

Thus, there are two media paths, where the second media path concerns manual insertion of media, after which the media remains stationary, and where the first media path is that in which media is moved through the image-forming mechanism during image formation. The freely rotating switch detects manual insertion of the media, and is rotated out of the way of the first media path where the media is moved through the first media path, so that the switch is not actuated during such movement of the media through the first media path. Support for this amendment to the claimed invention is found in the patent application as originally filed at least in FIGs. 4A and 4B, which are described on page 7, lines 2-8, of the patent application as originally filed as follows:

The freely rotating switch 306 is rotated out of the way, as indicated by the arrow 410, such that the switch 306 is not actuated during movement of the media 402

First named inventor: Hess
Serial no. 10/672,761
Filed 9/27/2003
Attorney docket no. 200207098-1

Page 10

through the media path 412 and does not significantly affect the movement of the media 402. That is, the switch 306 does not significantly affect or impinge on the media 402 during regular image formation, in which the media 402 is picked up from the drawer 103 of FIG. 1.

It is noted that the media path 412 in this embodiment of the invention corresponds to the first media path of the claim language.

Applicant submits that Writt does not anticipate the claimed invention as has been amended. The Examiner has directed attention to FIG. 5 of Writt as teaching a spring clip 42 as at least part of the freely rotating switch of the invention. Applicant does not necessarily agree that the spring clip 42 is a freely rotating switch. However, Applicant specifically argues here that the spring clip 42 is not rotated out of the way of a media path in which the media is moved through the image-forming mechanism during image formation thereon so that the switch is not actuated during movement of the media through this media path, as to which the claimed invention is particularly limited.

Rather, the spring clip 42 of Writt is moved upon manual insertion of media into the image-forming mechanism. As stated by Writt, “[t]he spring clip 42 is in electrically contact with a conductive sensor 45 until the insertion of envelope corner 50 separates the end of the spring clip 42 from the conductive sensor 45 to indicate the presence of the envelope corner 50.” (Col. 5, ll. 40-44) Therefore, the movement of the spring clip 42 in Writt is not encompassed by the rotation of the switch in the claimed invention. The spring clip 42 in Writt is moved when media is manually inserted, which corresponds to actuation of the switch of which the spring clip 42 is a part. By comparison, the switch of the claimed invention is rotated/moved out of the way of the media path in which the media is moved through the image-forming mechanism during image formation thereon (i.e., as opposed to the media path in which the media is manually inserted) so that the switch is not actuated during movement of the media through this media path.

First named inventor: Hess
Serial no. 10/672,761
Filed 9/27/2003
Attorney docket no. 200207098-1

Page 11

That is, in Writt, the switch in question – including the spring clip 42 – is moved/rotated when media is manually inserted and thereafter remains stationary for image formation thereon, whereas in the claimed invention, the switch is moved/rotated when the media is moved during image formation, and not when the media is manually inserted. Furthermore, in Writt the spring clip 42 is moved to actuate the switch, whereas in the claimed invention, the switch is rotated/moved so that the switch is *not* actuated. Therefore, Writt does not anticipate the claimed invention.

Claim rejections under 35 USC 103

Claim 14 has been rejected under 35 USC 103(a) as being unpatentable over Writt in view of Iggulden (5,013,895). Claim 14 is a dependent claim depending from independent claim 1. Therefore, claim 14 is patentable for at least the same reasons that claim 1 is, as has been discussed above.

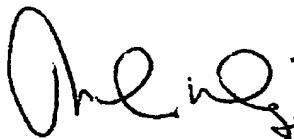
First named inventor: Hess
Serial no. 10/672,761
Filed 9/27/2003
Attorney docket no. 200207098-1

Page 12

Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mike Dryja, Applicants' Attorney, at 425-427-5094, so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



May 8, 2006
Date

Michael A. Dryja, Reg. No. 39,662
Attorney/Agent for Applicant(s)

Law Offices of Michael Dryja
704 228th Ave NE #694
Sammamish, WA 98074
tel: 425-427-5094
fax: 206-374-2819